

PROB 12C
(7/93)

United States District Court

for

District of New Jersey

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Durrell Smith

Docket Number: 09-00086-001
PACTS Number: 54138

Name of Sentencing Judicial Officer: The Honorable Katharine S. Hayden, U.S.D.J.

Date of Original Sentence: 12/01/2009

Original Offense: Distribution and Possession of Heroin

Original Sentence: 13 months imprisonment; 3 years supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: 06/03/2010

Assistant U.S. Attorney: Rodney Villazor, 970 Broad Street, Room 502 Newark, New Jersey 07102
(973) 645-2700

Defense Attorney: Michael Armstrong, Esq., 79 Mainbridge Avenue, Willingboro, New Jersey 08046
(609) 877-5511

PETITIONING THE COURT

To issue a warrant

The probation office alleges that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 The offender has violated the standard supervision condition which states 'You shall not commit another federal, state, or local crime.'

On September 1, 2010, Smith was arrested by officers of the Newark Police Department and charged with possession of a defaced firearm and unlawful possession of a handgun, in violation of N.J.S.A. 2C:39-3D and 2C:39-5B, respectively.

2 The offender has violated the mandatory supervision condition which states 'The defendant shall not possess a firearm or destructive device. Probation must be revoked for possession of a firearm.'

On September 1, 2010, Smith was found to be in possession of a defaced firearm.

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Durrell Smith

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The offender has violated the standard supervision condition which states '**You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.**'

Smith has remained unemployed since the commencement of supervision.

4

The offender has violated the mandatory supervision condition which states '**It is further ordered that the defendant shall pay to the United States a special assessment of \$100, which shall be due immediately.**'

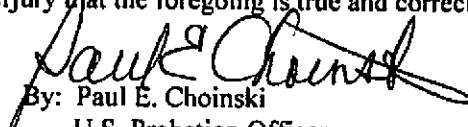
Smith has not made any payments towards his court ordered \$100 financial obligation.

5

The offender has violated the special supervision condition which states '**The defendant shall earn a G.E.D. while on supervised release.**'

Smith failed to enroll or participate in G.E.D. classes as court ordered.

I declare under penalty of perjury that the foregoing is true and correct.


By: Paul E. Choinski
U.S. Probation Officer
Date: 09/02/2010

THE COURT ORDERS:

- The Issuance of a Warrant
 The Issuance of a Summons. Date of Hearing: _____.
 No Action
 Other



Signature of Judicial Officer



Date

Requesting
we sign this because
Judge Hayden is out
until next week.

**UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY**

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

WILFREDO TORRES
SENIOR DEPUTY CHIEF PROBATION OFFICER

DEPUTY CHIEF PROBATION OFFICER
THOMAS C. MILLER

September 2, 2010

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The Honorable Katharine S. Hayden, U.S.D.J.
U.S. Post Office & Courthouse
Federal Plaza, Room 311
Newark, New Jersey 07102-999

RE: U.S. v. Durrell Smith
Dkt. No. 09-86-06
Request for Violation of Supervised Release
Hearing & Issuance of a Warrant

Dear Judge Hayden:

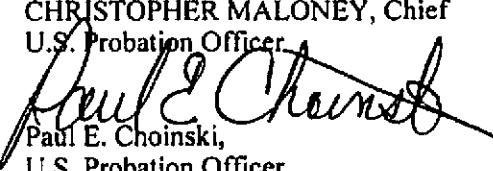
On December 1, 2009, Durrell Smith was sentenced by Your Honor to 13 months imprisonment followed by a three year term of supervised release for the offense of distribution and possession of heroin. Smith was ordered to pay a \$100 special assessment and abide by the special conditions of full financial disclosure and earn a G.E.D. On June 3, 2010, Smith was released from the custody of the Bureau of Prisons and his period of federal supervision commenced.

The purpose of this letter is to notify the Court of Smith's non-compliance with the conditions of his supervision and request a warrant be issued. Specifically, on September 1, 2010, Smith was arrested by officers of the Newark Police Department and charged with possession of a defaced firearm and unlawful possession of a handgun. In addition to the new criminal conduct, Smith failed work while under supervision, failed to enroll in G.E.D. classes, and failed to pay his \$100 special assessment.

Taking into consideration the nature of these violations, it appears that a violation hearing is warranted at this time. Therefore, it is respectfully recommended that Your Honor issue a warrant to be lodged as a detainer so that Smith can be brought before the Court to answer these charges and show cause why he should not be considered in violation of his supervision term. If the Court concurs with our recommendation, please sign the enclosed Probation Form 12C and we will initiate the violation process. If Your Honor requests an alternative course of action, please advise. We will make ourselves available should you wish to discuss this matter.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer


Paul E. Choinski,
U.S. Probation Officer



Enclosure(s)